

APPENDIX G

LOUISIANA STATE POLICE TOWING AND RECOVERY UNIT MOTOR VEHICLE INSPECTION SECTION

STANDARD OPERATING PROCEDURES LSP/LDEQ INTERAGENCY AGREEMENT

Louisiana State Police
Towing and Recovery Unit
Motor Vehicle Inspection Section

Standard Operating Procedures
LSP/DEQ Interagency Agreement

August 5, 2004

Subject: **Stationary Enforcement**

Category: **Field Operations**

I. **PURPOSE**

To increase mandated On-board Diagnostics and Emissions testing as well as increase enforcement of Motor Vehicle Safety Laws and Motor Vehicle Registration compliance. Those who violate state laws specific to the mission of this section may be cited.

II. **PROCEDURE**

A. Sergeants Responsibility

1. Assignment of stationary enforcement in each Region will be the responsibility of the LSP Field Operations Sergeant. The projected adverse impact to this Section will be diminished by following this procedure. Sergeants will assign Officers to work stationary enforcement when the need arises and to meet the necessary requirements of the LSP/DEQ Interagency Contract. This should not, in any way, hinder satisfying the Department's other responsibilities.
 - a. Supervisors will assign those Officers to stationary enforcement who he/she feels can properly conduct themselves in the public eye.
 - b. Two or more Officers will be assigned to work at a predetermined location where the Officer can visually detect violations of the statutes which the Department enforces. Note: This is not an administrative roadblock; inspections will be performed on vehicles on a voluntary basis of the owner/driver of the vehicle. Violations may be cited at the time of inspection.
 - c. Locations chosen by the Sergeant should take into consideration Officer and public safety. Avoid interstates and high traffic intersections.

B. Police Officer's Responsibility

1. Only marked units will be used for stationary enforcement and only those having a visual and audible warning system will be used.
2. Pursuits will be avoided. Officer's safety and the safety of the general public will take precedent over inspecting vehicles.
3. Officers shall treat the public in a professional and courteous manner.
4. All paperwork generated as result of inspections shall be turned into the Sergeant prior to the end of the shift.

Subject: **Motor Vehicle Inspection Station Open/Close**

Category: **Field Operations**

I. **PURPOSE**

To establish a formal written directive for opening and closing an Official Motor Vehicle Inspection (MVI) Station.

II. **PROCEDURE**

A. Opening an MVI Station

1. Once a request is received by the MVI office, the request will be forwarded to a MVI Officer for inspection.
2. The MVI Officer will check the following items during the inspection:
 - a. the area where inspections will be conducted;
 - b. the route for a road test; and
 - c. proper occupational licenses.
3. The MVI Officer will give the following forms to the station owner/manager if the station meets preliminary approval. The station owner will be advised that the process will continue when he submits the completed forms with the appropriate fees to the MVI office in Denham Springs, La.
 - a. Application for Official Inspection Station
 - b. Application for Mechanic Inspector's License
 - c. Official Motor Vehicle Inspection Station Bond
 - d. Certification of Insurance
 - e. Requisition for Signs
 - f. Required equipment list
4. When the packet is returned to the MVI Officer, he/she will verify the paperwork and will schedule the mechanic for the next available school. A criminal history check and a driver's license check will be performed.
5. After the mechanic inspector successfully completes the school, the MVI Officer will contact the MVI Office in Denham Springs for a station number and he/she will add the station to the computer system.
 - a. The MVI Officer will fill out the appropriate certificates and submit the certificates for his/her Sergeant's signature.
6. After the certificates are returned to the MVI Officer, he/she will bring the following items with him/her to open the station.
 - a. Official Motor Vehicle Inspection Station Certificate/Mechanic Inspector License
 - b. Official Motor Vehicle Inspection Manual or the Rules and Regulations as stated in Title 55

- c. Requisition for Inspection Station Signs
- d. Official Louisiana Motor Vehicle Inspection Signs (if applicable)
- 7. The following equipment will be checked and noted on the New Station Check List form:
 - a. Tint meter
 - b. Windshield scraper
 - c. Numerical stamps (#1 through #12) one inch (1”) in size, an “X” stamp, and a black indelible ink pad
 - d. Tire depth gauge
 - e. Measuring tape at least 6’ in length
 - f. Adjustable mirror
 - g. Flashlight
 - h. Telephone number listed in directory
 - i. Mechanic’s creeper (commercial inspection)
 - j. Soapstone Marker (commercial inspection)
 - k. Floor jack or lift (School Bus Inspections)
 - l. A brake test area to accommodate a twenty mile per hour (20 mph) road test or a brake testing machine which has been properly installed
 - m. Evaporative system test equipment, which includes fuel inlet pressure and gas cap pressure test equipment as per the United States Environmental Protection Agency specifications. Stations must have approved equipment readily accessible and in good working order. This equipment must be in or near the inspection area. The provisions of the Louisiana Administrative Code 55:III.8.803(E)(1)(j) shall only apply to inspection stations located in the non-attainment area.
 - n. Any additional may be required by the Department as it may be deemed necessary for the proper operation of an inspection station. The Department shall give prior written notice of any additional equipment requirements.

Subject: **Motor Vehicle Inspection Covert/Overt Audit**

Category: **Field Operations**

I. **PURPOSE**

To provide guidance in the monitoring/supervising of MVI stations to ensure proper inspections of motor vehicles.

II. **TYPES OF COVERT INSPECTIONS**

A. Surveillance

1. Covert observation and/or filming of MVI stations performing MVI inspections.
- B. Undercover Inspection
 1. Plainclothes Officer may use an unmarked vehicle presenting the vehicle for inspection.
 2. Officer will be trained in the MVI program.

III. **REASON FOR COVERT INSPECTIONS**

- A. Region 1 will perform one covert audit annually for each public inspection station participating in the I/M Program in the five parish non-attainment area.
- B. Citizen Complaint
 1. Letter from citizen complaining about inspection procedure.
 2. Anonymous telephone call from citizen complaining about inspection procedure.
 3. Information from other MVI stations.
 4. Information obtained by self initiated activity of Officer.
 5. Information from other enforcement agencies.
- C. MVI Officer will determine what action should be taken.
 1. Issue Violation Warning Notice
 - a. MVI Officer will deliver notice to station owner/mechanic inspector.
 - b. Owner/station mechanic will sign Violation Warning Notice as applicable.
- D. If the MVI Officer determines a civil penalty is required, he shall request that a civil penalty be issued by the Sergeant.
- E. If the MVI Officer determines a criminal sanction is required, he shall request such action from the Sergeant.

IV. **COVERT INSPECTION PROCEDURE**

- A. Officer presents vehicle for inspection at designated station.
- B. Officer observes inspection procedure
 1. Officer presents requested information, drivers license, vehicle registration, insurance.
 2. Monitor physical inspection of vehicle for proper inspection.
- C. Officer documents infractions/compliance on an Inspection Violations Form. Officer completes Case Report on inspection and submits report and Inspection Violations Form to the MVI Office for the station.
- D. MVI Officer will determine what action should be taken and obtain permission for the proposed action through his/her Sergeant.
- E. If the MVI Officer determines a civil penalty is required, then he/she should request that a civil penalty be assessed by the Sergeant.
- F. If the MVI Officer determines a criminal sanction is required, then he/she should request such from the Sergeant.

- G. Any enforcement action shall have the approval of the LSP Operations Sergeant.

V. **OVERT INSPECTION/AUDITS**

- A. Officer conducts inspection of station for proper equipment and files. Officer may utilize Inspection Station Report. This form will be retained in the station file for reference.
- B. Officer observes mechanic inspector conducting an inspection procedure.
 - 1. If during the course of observing the inspection, the Officer observes a violation, he/she should note the violation and allow the inspection to continue. Once the mechanic inspector completes his/her inspection and places the certificate on the windshield, the Officer will stop the inspection process and have the mechanic inspector correct the violation.
 - 2. The Officer will document any violations observed on the Inspection Violations Form and submit his findings to the Sergeant who will take the necessary action
- C. MVI Officer will determine what action should be taken and obtain permission for the proposed action through his/her Sergeant.
- D. If the MVI Officer determines a civil penalty is required, then he/she should request that a civil penalty be assessed by the Sergeant.
- E. If the MVI Officer determines a criminal sanction is required, then he/she should request such from the Sergeant.

Subject: **Motor Vehicle Inspection Civil Penalty**

Category: **Administrative**

I. **PURPOSE**

The Civil Penalty Program is to ensure that the Motor Vehicle Inspection (MVI) stations conform to State regulations thereby promoting and ensuring highway safety.

II. **PROCEDURE**

Investigations initiated by complaint, covert audit, or information from another agency will be completed in the following manner:

- A. A case number is pulled and a complete investigative report will be written.
 - 1. Attachments
 - a. Case Report
 - b. Warning Notice (photo copy)
 - c. List(s) of violations (photo copy)

- d. Proposed Civil Penalty Form (Original)
2. All forms should have appropriate signatures of the investigator and station official or return receipt cards. Supervisors shall initial before sending up chain of command.
- B. The investigation is reviewed up the chain of command. The process may be stopped at any point prior to it reaching the LSP Sergeant for a final decision.
- C. The LSP Sergeant reviews the report and determines if the civil penalty should be assessed.
- D. If the LSP Sergeant approves the civil penalty, he/she shall return the approved and signed civil penalty letter to the MVI office for delivery to the station.
- E. Tracking will be the responsibility of the Sergeant and shall be handled the same statewide.
 1. The name of the station shall be entered on the tracking calendar.
 2. Date station notified of civil penalty.
 3. Hearing request must be received no later than 10 days from the date of notice.
 4. Receipt of penalty must be received no later than 30 days from the date of notice.
- F. If a hearing request is received, the process is suspended pending the hearing decision.
- G. Once the hearing is scheduled, a notice of hearing form shall be delivered to the station. The supervisor shall act as the prosecutor.
- H. Headquarters shall receive a hearing decision from the Administrative Hearing Section and will forward a copy to the Lieutenant who will review the results and forward the decision to the Sergeant.
- I. If the civil penalty is overturned, the process is finished. All parties involved shall review the decision and correct any errors or mishandling of the case by the Department.
- J. If the civil penalty is affirmed, the station will be responsible for paying the penalty within 30 days following notification by the Department. The station will have already received a copy of the decision from the Hearing Section. The MVI office will forward the hearing decision form to the station requesting payment of the penalty. A copy of the decision shall be attached and signed for by the station. This will prevent the station from indicating that they did not receive their copy sent by the Administrative Hearing Section.
- K. Should the station or mechanic fail to pay the penalty in a timely manner, the station or mechanic's license shall be suspended until payment is received. The MVI office will use the Suspension/Revocation Form to notify the station or mechanic of the suspension. As soon as payment is made, the station or mechanic will be placed back in service.
- L. Should no arrangements be made for payment or the station or mechanic is unwilling to cooperate with the Department, the respective license shall be

cancelled. This action will be taken after the station has been suspended for at least ninety (90) days without making any arrangements to comply. Once a license has been cancelled, the station must reapply to enter the program as a new station and must pay the civil penalty in full.

- M. Should a station or mechanic be issued numerous civil penalties or should the conduct of the station or mechanic be sufficiently heinous on a single occasion, the Department may, for cause, permanently revoke the license of the station or mechanic inspector.

B. Closing a MVI Station

1. Once a request to close a station has been received, the MVI Officer will obtain the following documents:
 - a. A letter from the station owner requesting closure;
 - b. all certificates; and
 - c. all unused stickers.
2. The MVI Officer will submit a refund voucher if applicable.
3. The MVI Officer will close the station files and update the computer system.